



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

#### HB2242

by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25g	from Ch. 122, par. 2-3.25g
105 ILCS 5/22-75	
105 ILCS 5/27-8.1	from Ch. 122, par. 27-8.1
105 ILCS 5/27-22.05	
105 ILCS 5/27-5 rep.	
105 ILCS 5/27-6 rep.	
105 ILCS 5/27-7 rep.	

Amends the School Code. Repeals Sections of the School Code concerning physical education and training, required courses in physical education, and a physical education course of study. Makes related changes. Effective July 1, 2013.

LRB098 08276 NHT 38378 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 2-3.25g, 22-75, 27-8.1, and 27-22.05 as follows:

6 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

7 Sec. 2-3.25g. Waiver or modification of mandates within the  
8 School Code and administrative rules and regulations.

9 (a) In this Section:

10 "Board" means a school board or the governing board or  
11 administrative district, as the case may be, for a joint  
12 agreement.

13 "Eligible applicant" means a school district, joint  
14 agreement made up of school districts, or regional  
15 superintendent of schools on behalf of schools and programs  
16 operated by the regional office of education.

17 "Implementation date" has the meaning set forth in  
18 Section 24A-2.5 of this Code.

19 "State Board" means the State Board of Education.

20 (b) Notwithstanding any other provisions of this School  
21 Code or any other law of this State to the contrary, eligible  
22 applicants may petition the State Board of Education for the  
23 waiver or modification of the mandates of this School Code or

1 of the administrative rules and regulations promulgated by the  
2 State Board of Education. Waivers or modifications of  
3 administrative rules and regulations and modifications of  
4 mandates of this School Code may be requested when an eligible  
5 applicant demonstrates that it can address the intent of the  
6 rule or mandate in a more effective, efficient, or economical  
7 manner or when necessary to stimulate innovation or improve  
8 student performance. Waivers of mandates of the School Code may  
9 be requested when the waivers are necessary to stimulate  
10 innovation or improve student performance. Waivers may not be  
11 requested from laws, rules, and regulations pertaining to  
12 special education, teacher certification, teacher tenure and  
13 seniority, or Section 5-2.1 of this Code or from compliance  
14 with the No Child Left Behind Act of 2001 (Public Law 107-110).  
15 On and after the applicable implementation date, eligible  
16 applicants may not seek a waiver or seek a modification of a  
17 mandate regarding the requirements for (i) student performance  
18 data to be a significant factor in teacher or principal  
19 evaluations or (ii) for teachers and principals to be rated  
20 using the 4 categories of "excellent", "proficient", "needs  
21 improvement", or "unsatisfactory". On the applicable  
22 implementation date, any previously authorized waiver or  
23 modification from such requirements shall terminate.

24 (c) Eligible applicants, as a matter of inherent managerial  
25 policy, and any Independent Authority established under  
26 Section 2-3.25f may submit an application for a waiver or

1 modification authorized under this Section. Each application  
2 must include a written request by the eligible applicant or  
3 Independent Authority and must demonstrate that the intent of  
4 the mandate can be addressed in a more effective, efficient, or  
5 economical manner or be based upon a specific plan for improved  
6 student performance and school improvement. Any eligible  
7 applicant requesting a waiver or modification for the reason  
8 that intent of the mandate can be addressed in a more  
9 economical manner shall include in the application a fiscal  
10 analysis showing current expenditures on the mandate and  
11 projected savings resulting from the waiver or modification.  
12 Applications and plans developed by eligible applicants must be  
13 approved by the board or regional superintendent of schools  
14 applying on behalf of schools or programs operated by the  
15 regional office of education following a public hearing on the  
16 application and plan and the opportunity for the board or  
17 regional superintendent to hear testimony from staff directly  
18 involved in its implementation, parents, and students. The time  
19 period for such testimony shall be separate from the time  
20 period established by the eligible applicant for public comment  
21 on other matters. If the applicant is a school district or  
22 joint agreement requesting a waiver or modification of Section  
23 27-6 of this Code, the public hearing shall be held on a day  
24 other than the day on which a regular meeting of the board is  
25 held.

26 (c-5) If the applicant is a school district, then the

1 district shall post information that sets forth the time, date,  
2 place, and general subject matter of the public hearing on its  
3 Internet website at least 14 days prior to the hearing. If the  
4 district is requesting to increase the fee charged for driver  
5 education authorized pursuant to Section 27-24.2 of this Code,  
6 the website information shall include the proposed amount of  
7 the fee the district will request. All school districts must  
8 publish a notice of the public hearing at least 7 days prior to  
9 the hearing in a newspaper of general circulation within the  
10 school district that sets forth the time, date, place, and  
11 general subject matter of the hearing. Districts requesting to  
12 increase the fee charged for driver education shall include in  
13 the published notice the proposed amount of the fee the  
14 district will request. If the applicant is a joint agreement or  
15 regional superintendent, then the joint agreement or regional  
16 superintendent shall post information that sets forth the time,  
17 date, place, and general subject matter of the public hearing  
18 on its Internet website at least 14 days prior to the hearing.  
19 If the joint agreement or regional superintendent is requesting  
20 to increase the fee charged for driver education authorized  
21 pursuant to Section 27-24.2 of this Code, the website  
22 information shall include the proposed amount of the fee the  
23 applicant will request. All joint agreements and regional  
24 superintendents must publish a notice of the public hearing at  
25 least 7 days prior to the hearing in a newspaper of general  
26 circulation in each school district that is a member of the

1 joint agreement or that is served by the educational service  
2 region that sets forth the time, date, place, and general  
3 subject matter of the hearing, provided that a notice appearing  
4 in a newspaper generally circulated in more than one school  
5 district shall be deemed to fulfill this requirement with  
6 respect to all of the affected districts. Joint agreements or  
7 regional superintendents requesting to increase the fee  
8 charged for driver education shall include in the published  
9 notice the proposed amount of the fee the applicant will  
10 request. The eligible applicant must notify in writing the  
11 affected exclusive collective bargaining agent and those State  
12 legislators representing the eligible applicant's territory of  
13 its intent to seek approval of a waiver or modification and of  
14 the hearing to be held to take testimony from staff. The  
15 affected exclusive collective bargaining agents shall be  
16 notified of such public hearing at least 7 days prior to the  
17 date of the hearing and shall be allowed to attend such public  
18 hearing. The eligible applicant shall attest to compliance with  
19 all of the notification and procedural requirements set forth  
20 in this Section.

21 (d) A request for a waiver or modification of  
22 administrative rules and regulations or for a modification of  
23 mandates contained in this School Code shall be submitted to  
24 the State Board of Education within 15 days after approval by  
25 the board or regional superintendent of schools. The  
26 application as submitted to the State Board of Education shall

1 include a description of the public hearing. Except with  
2 respect to contracting for adaptive driver education, an  
3 eligible applicant wishing to request a modification or waiver  
4 of administrative rules of the State Board of Education  
5 regarding contracting with a commercial driver training school  
6 to provide the course of study authorized under Section 27-24.2  
7 of this Code must provide evidence with its application that  
8 the commercial driver training school with which it will  
9 contract holds a license issued by the Secretary of State under  
10 Article IV of Chapter 6 of the Illinois Vehicle Code and that  
11 each instructor employed by the commercial driver training  
12 school to provide instruction to students served by the school  
13 district holds a valid teaching certificate or teaching  
14 license, as applicable, issued under the requirements of this  
15 Code and rules of the State Board of Education. Such evidence  
16 must include, but need not be limited to, a list of each  
17 instructor assigned to teach students served by the school  
18 district, which list shall include the instructor's name,  
19 personal identification number as required by the State Board  
20 of Education, birth date, and driver's license number. If the  
21 modification or waiver is granted, then the eligible applicant  
22 shall notify the State Board of Education of any changes in the  
23 personnel providing instruction within 15 calendar days after  
24 an instructor leaves the program or a new instructor is hired.  
25 Such notification shall include the instructor's name,  
26 personal identification number as required by the State Board

1 of Education, birth date, and driver's license number. If a  
2 school district maintains an Internet website, then the  
3 district shall post a copy of the final contract between the  
4 district and the commercial driver training school on the  
5 district's Internet website. If no Internet website exists,  
6 then the district shall make available the contract upon  
7 request. A record of all materials in relation to the  
8 application for contracting must be maintained by the school  
9 district and made available to parents and guardians upon  
10 request. The instructor's date of birth and driver's license  
11 number and any other personally identifying information as  
12 deemed by the federal Driver's Privacy Protection Act of 1994  
13 must be redacted from any public materials. Following receipt  
14 of the waiver or modification request, the State Board shall  
15 have 45 days to review the application and request. If the  
16 State Board fails to disapprove the application within that 45  
17 day period, the waiver or modification shall be deemed granted.  
18 The State Board may disapprove any request if it is not based  
19 upon sound educational practices, endangers the health or  
20 safety of students or staff, compromises equal opportunities  
21 for learning, or fails to demonstrate that the intent of the  
22 rule or mandate can be addressed in a more effective,  
23 efficient, or economical manner or have improved student  
24 performance as a primary goal. Any request disapproved by the  
25 State Board may be appealed to the General Assembly by the  
26 eligible applicant as outlined in this Section.

1           A request for a waiver from mandates contained in this  
2 School Code shall be submitted to the State Board within 15  
3 days after approval by the board or regional superintendent of  
4 schools. The application as submitted to the State Board of  
5 Education shall include a description of the public hearing.  
6 The description shall include, but need not be limited to, the  
7 means of notice, the number of people in attendance, the number  
8 of people who spoke as proponents or opponents of the waiver, a  
9 brief description of their comments, and whether there were any  
10 written statements submitted. The State Board shall review the  
11 applications and requests for completeness and shall compile  
12 the requests in reports to be filed with the General Assembly.  
13 The State Board shall file reports outlining the waivers  
14 requested by eligible applicants and appeals by eligible  
15 applicants of requests disapproved by the State Board with the  
16 Senate and the House of Representatives before each March 1 and  
17 October 1. The General Assembly may disapprove the report of  
18 the State Board in whole or in part within 60 calendar days  
19 after each house of the General Assembly next convenes after  
20 the report is filed by adoption of a resolution by a record  
21 vote of the majority of members elected in each house. If the  
22 General Assembly fails to disapprove any waiver request or  
23 appealed request within such 60 day period, the waiver or  
24 modification shall be deemed granted. Any resolution adopted by  
25 the General Assembly disapproving a report of the State Board  
26 in whole or in part shall be binding on the State Board.

1 (e) An approved waiver or modification ~~(except a waiver~~  
2 ~~from or modification to a physical education mandate)~~ may  
3 remain in effect for a period not to exceed 5 school years and  
4 may be renewed upon application by the eligible applicant.  
5 However, such waiver or modification may be changed within that  
6 5-year period by a board or regional superintendent of schools  
7 applying on behalf of schools or programs operated by the  
8 regional office of education following the procedure as set  
9 forth in this Section for the initial waiver or modification  
10 request. If neither the State Board of Education nor the  
11 General Assembly disapproves, the change is deemed granted.

12 ~~An approved waiver from or modification to a physical~~  
13 ~~education mandate may remain in effect for a period not to~~  
14 ~~exceed 2 school years and may be renewed no more than 2 times~~  
15 ~~upon application by the eligible applicant. An approved waiver~~  
16 ~~from or modification to a physical education mandate may be~~  
17 ~~changed within the 2 year period by the board or regional~~  
18 ~~superintendent of schools, whichever is applicable, following~~  
19 ~~the procedure set forth in this Section for the initial waiver~~  
20 ~~or modification request. If neither the State Board of~~  
21 ~~Education nor the General Assembly disapproves, the change is~~  
22 ~~deemed granted.~~

23 (f) (Blank).

24 (Source: P.A. 96-861, eff. 1-15-10; 96-1423, eff. 8-3-10;  
25 97-1025, eff. 1-1-13.)

1 (105 ILCS 5/22-75)

2 Sec. 22-75. The Eradicate Domestic Violence Task Force.

3 (a) There is hereby created the Eradicate Domestic Violence  
4 Task Force. The Eradicate Domestic Violence Task Force shall  
5 develop a statewide effective and feasible prevention course  
6 for high school students designed to prevent interpersonal,  
7 adolescent violence based on the Step Back Program for boys and  
8 girls. The Clerk of the Circuit Court in the First Judicial  
9 District shall provide administrative staff and support to the  
10 task force.

11 (b) The Eradicate Domestic Violence Task Force shall do the  
12 following:

13 (1) Conduct meetings to evaluate the effectiveness and  
14 feasibility of statewide implementation of the curricula  
15 of the Step Back Program at Oak Park and River Forest High  
16 School, located in Cook County, Illinois, for the  
17 prevention of domestic violence.

18 (2) Invite the testimony of and confer with experts on  
19 relevant topics as needed.

20 (3) Propose content for integration into school  
21 curricula aimed at preventing domestic violence.

22 (4) Propose a method of training facilitators on the  
23 school curricula aimed at preventing domestic violence.

24 (5) Propose partnerships with anti-violence agencies  
25 to assist with the facilitator roles and the nature of the  
26 partnerships.

1           (6) Evaluate the approximate cost per school or school  
2 district to implement and maintain school curricula aimed  
3 at preventing domestic violence.

4           (7) Propose a funding source or sources to support  
5 school curricula aimed at preventing domestic violence and  
6 agencies that provide training to the facilitators, such as  
7 a fee to be charged in domestic violence, sexual assault,  
8 and related cases to be collected by the clerk of the court  
9 for deposit into a special fund in the State treasury and  
10 to be used to fund a proposed eradicate domestic violence  
11 program in the schools of this State.

12           (8) Propose an evaluation structure to ensure that the  
13 school curricula aimed at preventing domestic violence is  
14 effectively taught by trained facilitators.

15           (9) Propose a method of evaluation for the purpose of  
16 modifying the content of the curriculum over time,  
17 including whether studies of the program should be  
18 conducted by the University of Illinois' Interpersonal  
19 Violence Prevention Information Center.

20           (10) Recommend legislation developed by the task  
21 force, such as amending Sections 27-8.1 ~~27-5~~ through  
22 27-13.3 and 27-23.4 of this Code, and legislation to create  
23 a fee to be charged in domestic violence, sexual assault,  
24 and related cases to be collected by the clerk of court for  
25 deposit into a special fund in the State treasury and to be  
26 used to fund a proposed eradicate domestic violence program

1 in the schools of this State.

2 (11) Produce a report of the task force's findings on  
3 best practices and policies, which shall include a plan  
4 with a phased and prioritized implementation timetable for  
5 implementation of school curricula aimed at preventing  
6 domestic violence in schools. The task force shall submit a  
7 report to the General Assembly on or before April 1, 2013  
8 on its findings, recommendations, and implementation plan.  
9 Any task force reports must be published on the State Board  
10 of Education's Internet website on the date the report is  
11 delivered to the General Assembly.

12 (c) The President of the Senate and the Speaker of the  
13 House of Representatives shall each appoint one co-chairperson  
14 of the Eradicate Domestic Violence Task Force. The Minority  
15 Leader of the Senate and the Minority Leader of the House of  
16 Representatives shall each appoint one member to the task  
17 force. In addition, the task force shall be comprised of the  
18 following members appointed by the State Board of Education and  
19 shall be representative of the geographic, racial, and ethnic  
20 diversity of this State:

21 (1) Four representatives involved with a program for  
22 high school students at a high school that is located in a  
23 municipality with a population of 2,000,000 or more and the  
24 program is a daily, 6-week to 9-week, 45-session,  
25 gender-specific, primary prevention course designed to  
26 raise awareness of topics such as dating and domestic

1 violence, any systematic conduct that causes measurable  
2 physical harm or emotional distress, sexual assault,  
3 digital abuse, self-defense, and suicide.

4 (2) A representative of an interpersonal violence  
5 prevention program within a State university.

6 (3) A representative of a statewide nonprofit,  
7 nongovernmental, domestic violence organization.

8 (4) A representative of a different nonprofit,  
9 nongovernmental domestic violence organization that is  
10 located in a municipality with a population of 2,000,000 or  
11 more.

12 (5) A representative of a statewide nonprofit,  
13 nongovernmental, sexual assault organization.

14 (6) A representative of a different nonprofit,  
15 nongovernmental, sexual assault organization based in a  
16 county with a population of 3,000,000 or more.

17 (7) The State Superintendent of Education or his or her  
18 designee.

19 (8) The Chief Executive Officer of City of Chicago  
20 School District 299 or his or her designee or the President  
21 of the Chicago Board of Education or his or her designee.

22 (9) A representative of the Department of Human  
23 Services.

24 (10) A representative of a statewide, nonprofit  
25 professional organization representing law enforcement  
26 executives.

1           (11) A representative of the Chicago Police  
2 Department, Youth Services Division.

3           (12) The Clerk of the Circuit Court in the First  
4 Judicial District or his or her designee.

5           (13) A representative of a statewide professional  
6 teachers organization.

7           (14) A representative of a different statewide  
8 professional teachers organization.

9           (15) A representative of a professional teachers  
10 organization in a city having a population exceeding  
11 500,000.

12           (16) A representative of an organization representing  
13 principals.

14           (17) A representative of an organization representing  
15 school administrators.

16           (18) A representative of an organization representing  
17 school boards.

18           (19) A representative of an organization representing  
19 school business officials.

20           (20) A representative of an organization representing  
21 large unit school districts.

22           (d) The following underlying purposes should be liberally  
23 construed by the task force convened under this Section:

24           (1) Recognize that, according to the Centers for  
25 Disease Control and Prevention, National Intimate Partner  
26 and Sexual Violence Survey, December 2010 Summary Report,

1 on average 24 people per minute are victims of rape,  
2 physical violence, or stalking by an intimate partner in  
3 the United States, equaling more than 12 million women and  
4 men.

5 (2) Recognize that abused children and children  
6 exposed to domestic violence in their homes may have short  
7 and long-term physical, emotional, and learning problems,  
8 including increased aggression, decreased responsiveness  
9 to adults, failure to thrive, posttraumatic stress  
10 disorder, depression, anxiety, hypervigilance and  
11 hyperactivity, eating and sleeping problems, and  
12 developmental delays, according to the Journal of  
13 Interpersonal Violence and the Futures Without Violence  
14 organization.

15 (3) Recognize that the Illinois Violence Prevention  
16 Authority has found that children exposed to violence in  
17 the media may become numb to the horror of violence, may  
18 gradually accept violence as a way to solve problems, may  
19 imitate the violence they see, and may identify with  
20 certain characters, victims, or victimizers.

21 (4) Recognize that crimes and the incarceration of  
22 youth are often associated with a history of child abuse  
23 and exposure to domestic violence, according to Futures  
24 Without Violence.

25 (5) Recognize that the cost of prosecuting crime in  
26 this State is unnecessarily high due to a lack of

1 prevention programs designed to eradicate domestic  
2 violence.

3 (6) Recognize that sexual violence, stalking, and  
4 intimate partner violence are serious and widespread  
5 public health problems for children and adults in this  
6 State.

7 (7) Recognize that intervention programs aimed at  
8 preventing domestic violence may yield better results than  
9 programs aimed at treating the victims of domestic  
10 violence, because treatment programs may reduce the  
11 likelihood that a particular woman will be re-victimized,  
12 but might not otherwise reduce the overall amount of  
13 domestic violence.

14 (8) Recognize that uniform, effective, feasible, and  
15 widespread prevention of sexual violence and intimate  
16 partner violence is a high priority in this State.

17 (9) Recognize that the Step Back Program at Oak Park  
18 and River Forest High School in Cook County, Illinois, is a  
19 daily, 6 to 9 week, 45-session, gender-specific, primary  
20 prevention course for high school students designed to  
21 raise awareness of topics, including dating and domestic  
22 violence, bullying and harassment, sexual assault, digital  
23 abuse, self-defense, and suicide. The Step Back Program is  
24 co-facilitated by the high school and a nonprofit,  
25 nongovernmental domestic violence prevention specialist  
26 and service provider.

1           (10) Develop a statewide effective prevention course  
2           for high school students based on the Step Back Program for  
3           boys and girls designed to prevent interpersonal,  
4           adolescent violence.

5           (e) Members of the Eradicate Domestic Violence Task Force  
6           shall receive no compensation for their participation, but may  
7           be reimbursed by the State Board of Education for expenses in  
8           connection with their participation, including travel, if  
9           funds are available.

10          (f) Nothing in this Section or in the prevention course is  
11          intended to infringe upon any right to exercise free expression  
12          or the free exercise of religion or religiously based views  
13          protected under the First Amendment to the United States  
14          Constitution or under Section 3 or 4 of Article 1 of the  
15          Illinois Constitution.

16          (Source: P.A. 97-1037, eff. 8-20-12.)

17           (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

18           Sec. 27-8.1. Health examinations and immunizations.

19           (1) In compliance with rules and regulations which the  
20           Department of Public Health shall promulgate, and except as  
21           hereinafter provided, all children in Illinois shall have a  
22           health examination as follows: within one year prior to  
23           entering kindergarten or the first grade of any public,  
24           private, or parochial elementary school; upon entering the  
25           sixth and ninth grades of any public, private, or parochial

1 school; prior to entrance into any public, private, or  
2 parochial nursery school; and, irrespective of grade,  
3 immediately prior to or upon entrance into any public, private,  
4 or parochial school or nursery school, each child shall present  
5 proof of having been examined in accordance with this Section  
6 and the rules and regulations promulgated hereunder. Any child  
7 who received a health examination within one year prior to  
8 entering the fifth grade for the 2007-2008 school year is not  
9 required to receive an additional health examination in order  
10 to comply with the provisions of Public Act 95-422 when he or  
11 she attends school for the 2008-2009 school year, unless the  
12 child is attending school for the first time as provided in  
13 this paragraph.

14 A tuberculosis skin test screening shall be included as a  
15 required part of each health examination included under this  
16 Section if the child resides in an area designated by the  
17 Department of Public Health as having a high incidence of  
18 tuberculosis. Additional health examinations of pupils,  
19 including eye examinations, may be required when deemed  
20 necessary by school authorities. Parents are encouraged to have  
21 their children undergo eye examinations at the same points in  
22 time required for health examinations.

23 (1.5) In compliance with rules adopted by the Department of  
24 Public Health and except as otherwise provided in this Section,  
25 all children in kindergarten and the second and sixth grades of  
26 any public, private, or parochial school shall have a dental

1 examination. Each of these children shall present proof of  
2 having been examined by a dentist in accordance with this  
3 Section and rules adopted under this Section before May 15th of  
4 the school year. If a child in the second or sixth grade fails  
5 to present proof by May 15th, the school may hold the child's  
6 report card until one of the following occurs: (i) the child  
7 presents proof of a completed dental examination or (ii) the  
8 child presents proof that a dental examination will take place  
9 within 60 days after May 15th. The Department of Public Health  
10 shall establish, by rule, a waiver for children who show an  
11 undue burden or a lack of access to a dentist. Each public,  
12 private, and parochial school must give notice of this dental  
13 examination requirement to the parents and guardians of  
14 students at least 60 days before May 15th of each school year.

15 (1.10) Except as otherwise provided in this Section, all  
16 children enrolling in kindergarten in a public, private, or  
17 parochial school on or after the effective date of this  
18 amendatory Act of the 95th General Assembly and any student  
19 enrolling for the first time in a public, private, or parochial  
20 school on or after the effective date of this amendatory Act of  
21 the 95th General Assembly shall have an eye examination. Each  
22 of these children shall present proof of having been examined  
23 by a physician licensed to practice medicine in all of its  
24 branches or a licensed optometrist within the previous year, in  
25 accordance with this Section and rules adopted under this  
26 Section, before October 15th of the school year. If the child

1 fails to present proof by October 15th, the school may hold the  
2 child's report card until one of the following occurs: (i) the  
3 child presents proof of a completed eye examination or (ii) the  
4 child presents proof that an eye examination will take place  
5 within 60 days after October 15th. The Department of Public  
6 Health shall establish, by rule, a waiver for children who show  
7 an undue burden or a lack of access to a physician licensed to  
8 practice medicine in all of its branches who provides eye  
9 examinations or to a licensed optometrist. Each public,  
10 private, and parochial school must give notice of this eye  
11 examination requirement to the parents and guardians of  
12 students in compliance with rules of the Department of Public  
13 Health. Nothing in this Section shall be construed to allow a  
14 school to exclude a child from attending because of a parent's  
15 or guardian's failure to obtain an eye examination for the  
16 child.

17 (2) The Department of Public Health shall promulgate rules  
18 and regulations specifying the examinations and procedures  
19 that constitute a health examination, which shall include the  
20 collection of data relating to obesity (including at a minimum,  
21 date of birth, gender, height, weight, blood pressure, and date  
22 of exam), and a dental examination and may recommend by rule  
23 that certain additional examinations be performed. The rules  
24 and regulations of the Department of Public Health shall  
25 specify that a tuberculosis skin test screening shall be  
26 included as a required part of each health examination included

1 under this Section if the child resides in an area designated  
2 by the Department of Public Health as having a high incidence  
3 of tuberculosis. The Department of Public Health shall specify  
4 that a diabetes screening as defined by rule shall be included  
5 as a required part of each health examination. Diabetes testing  
6 is not required.

7 Physicians licensed to practice medicine in all of its  
8 branches, advanced practice nurses who have a written  
9 collaborative agreement with a collaborating physician which  
10 authorizes them to perform health examinations, or physician  
11 assistants who have been delegated the performance of health  
12 examinations by their supervising physician shall be  
13 responsible for the performance of the health examinations,  
14 other than dental examinations, eye examinations, and vision  
15 and hearing screening, and shall sign all report forms required  
16 by subsection (4) of this Section that pertain to those  
17 portions of the health examination for which the physician,  
18 advanced practice nurse, or physician assistant is  
19 responsible. If a registered nurse performs any part of a  
20 health examination, then a physician licensed to practice  
21 medicine in all of its branches must review and sign all  
22 required report forms. Licensed dentists shall perform all  
23 dental examinations and shall sign all report forms required by  
24 subsection (4) of this Section that pertain to the dental  
25 examinations. Physicians licensed to practice medicine in all  
26 its branches or licensed optometrists shall perform all eye

1 examinations required by this Section and shall sign all report  
2 forms required by subsection (4) of this Section that pertain  
3 to the eye examination. For purposes of this Section, an eye  
4 examination shall at a minimum include history, visual acuity,  
5 subjective refraction to best visual acuity near and far,  
6 internal and external examination, and a glaucoma evaluation,  
7 as well as any other tests or observations that in the  
8 professional judgment of the doctor are necessary. Vision and  
9 hearing screening tests, which shall not be considered  
10 examinations as that term is used in this Section, shall be  
11 conducted in accordance with rules and regulations of the  
12 Department of Public Health, and by individuals whom the  
13 Department of Public Health has certified. In these rules and  
14 regulations, the Department of Public Health shall require that  
15 individuals conducting vision screening tests give a child's  
16 parent or guardian written notification, before the vision  
17 screening is conducted, that states, "Vision screening is not a  
18 substitute for a complete eye and vision evaluation by an eye  
19 doctor. Your child is not required to undergo this vision  
20 screening if an optometrist or ophthalmologist has completed  
21 and signed a report form indicating that an examination has  
22 been administered within the previous 12 months."

23 (3) Every child shall, at or about the same time as he or  
24 she receives a health examination required by subsection (1) of  
25 this Section, present to the local school proof of having  
26 received such immunizations against preventable communicable

1 diseases as the Department of Public Health shall require by  
2 rules and regulations promulgated pursuant to this Section and  
3 the Communicable Disease Prevention Act.

4 (4) The individuals conducting the health examination,  
5 dental examination, or eye examination shall record the fact of  
6 having conducted the examination, and such additional  
7 information as required, including for a health examination  
8 data relating to obesity (including at a minimum, date of  
9 birth, gender, height, weight, blood pressure, and date of  
10 exam), on uniform forms which the Department of Public Health  
11 and the State Board of Education shall prescribe for statewide  
12 use. The examiner shall summarize on the report form any  
13 condition that he or she suspects indicates a need for special  
14 services, including for a health examination factors relating  
15 to obesity. The individuals confirming the administration of  
16 required immunizations shall record as indicated on the form  
17 that the immunizations were administered.

18 (5) If a child does not submit proof of having had either  
19 the health examination or the immunization as required, then  
20 the child shall be examined or receive the immunization, as the  
21 case may be, and present proof by October 15 of the current  
22 school year, or by an earlier date of the current school year  
23 established by a school district. To establish a date before  
24 October 15 of the current school year for the health  
25 examination or immunization as required, a school district must  
26 give notice of the requirements of this Section 60 days prior

1 to the earlier established date. If for medical reasons one or  
2 more of the required immunizations must be given after October  
3 15 of the current school year, or after an earlier established  
4 date of the current school year, then the child shall present,  
5 by October 15, or by the earlier established date, a schedule  
6 for the administration of the immunizations and a statement of  
7 the medical reasons causing the delay, both the schedule and  
8 the statement being issued by the physician, advanced practice  
9 nurse, physician assistant, registered nurse, or local health  
10 department that will be responsible for administration of the  
11 remaining required immunizations. If a child does not comply by  
12 October 15, or by the earlier established date of the current  
13 school year, with the requirements of this subsection, then the  
14 local school authority shall exclude that child from school  
15 until such time as the child presents proof of having had the  
16 health examination as required and presents proof of having  
17 received those required immunizations which are medically  
18 possible to receive immediately. During a child's exclusion  
19 from school for noncompliance with this subsection, the child's  
20 parents or legal guardian shall be considered in violation of  
21 Section 26-1 and subject to any penalty imposed by Section  
22 26-10. This subsection (5) does not apply to dental  
23 examinations and eye examinations. Until June 30, 2015, if the  
24 student is an out-of-state transfer student and does not have  
25 the proof required under this subsection (5) before October 15  
26 of the current year or whatever date is set by the school

1 district, then he or she may only attend classes (i) if he or  
2 she has proof that an appointment for the required vaccinations  
3 has been scheduled with a party authorized to submit proof of  
4 the required vaccinations. If the proof of vaccination required  
5 under this subsection (5) is not submitted within 30 days after  
6 the student is permitted to attend classes, then the student is  
7 not to be permitted to attend classes until proof of the  
8 vaccinations has been properly submitted. No school district or  
9 employee of a school district shall be held liable for any  
10 injury or illness to another person that results from admitting  
11 an out-of-state transfer student to class that has an  
12 appointment scheduled pursuant to this subsection (5).

13 (6) Every school shall report to the State Board of  
14 Education by November 15, in the manner which that agency shall  
15 require, the number of children who have received the necessary  
16 immunizations and the health examination (other than a dental  
17 examination or eye examination) as required, indicating, of  
18 those who have not received the immunizations and examination  
19 as required, the number of children who are exempt from health  
20 examination and immunization requirements on religious or  
21 medical grounds as provided in subsection (8). On or before  
22 December 1 of each year, every public school district and  
23 registered nonpublic school shall make publicly available the  
24 immunization data they are required to submit to the State  
25 Board of Education by November 15. The immunization data made  
26 publicly available must be identical to the data the school

1 district or school has reported to the State Board of  
2 Education.

3 Every school shall report to the State Board of Education  
4 by June 30, in the manner that the State Board requires, the  
5 number of children who have received the required dental  
6 examination, indicating, of those who have not received the  
7 required dental examination, the number of children who are  
8 exempt from the dental examination on religious grounds as  
9 provided in subsection (8) of this Section and the number of  
10 children who have received a waiver under subsection (1.5) of  
11 this Section.

12 Every school shall report to the State Board of Education  
13 by June 30, in the manner that the State Board requires, the  
14 number of children who have received the required eye  
15 examination, indicating, of those who have not received the  
16 required eye examination, the number of children who are exempt  
17 from the eye examination as provided in subsection (8) of this  
18 Section, the number of children who have received a waiver  
19 under subsection (1.10) of this Section, and the total number  
20 of children in noncompliance with the eye examination  
21 requirement.

22 The reported information under this subsection (6) shall be  
23 provided to the Department of Public Health by the State Board  
24 of Education.

25 (7) Upon determining that the number of pupils who are  
26 required to be in compliance with subsection (5) of this

1 Section is below 90% of the number of pupils enrolled in the  
2 school district, 10% of each State aid payment made pursuant to  
3 Section 18-8.05 to the school district for such year may be  
4 withheld by the State Board of Education until the number of  
5 students in compliance with subsection (5) is the applicable  
6 specified percentage or higher.

7 (8) Parents or legal guardians who object to health,  
8 dental, or eye examinations or any part thereof, or to  
9 immunizations, on religious grounds shall not be required to  
10 submit their children or wards to the examinations or  
11 immunizations to which they so object if such parents or legal  
12 guardians present to the appropriate local school authority a  
13 signed statement of objection, detailing the grounds for the  
14 objection. If the physical condition of the child is such that  
15 any one or more of the immunizing agents should not be  
16 administered, the examining physician, advanced practice  
17 nurse, or physician assistant responsible for the performance  
18 of the health examination shall endorse that fact upon the  
19 health examination form. Exempting a child from the health,  
20 dental, or eye examination does not exempt the child from  
21 participation in a the program of physical education training  
22 ~~provided in Sections 27-5 through 27-7 of this Code.~~

23 (9) For the purposes of this Section, "nursery schools"  
24 means those nursery schools operated by elementary school  
25 systems or secondary level school units or institutions of  
26 higher learning.

1 (Source: P.A. 96-953, eff. 6-28-10; 97-216, eff. 1-1-12;  
2 97-910, eff. 1-1-13.)

3 (105 ILCS 5/27-22.05)

4 Sec. 27-22.05. Required course substitute. Notwithstanding  
5 any other provision of this Article or this Code, a school  
6 board that maintains any of grades 9 through 12 is authorized  
7 to adopt a policy under which a student who is enrolled in any  
8 of those grades may satisfy one or more high school course or  
9 graduation requirements, including but not limited to any  
10 requirements under Section ~~Sections 27-6 and~~ 27-22, by  
11 substituting for and successfully completing in place of the  
12 high school course or graduation requirement a related  
13 vocational or technical education course. A vocational or  
14 technical education course shall not qualify as a related  
15 vocational or technical education course within the meaning of  
16 this Section unless it contains at least 50% of the content of  
17 the required course or graduation requirement for which it is  
18 substituted, as determined by the State Board of Education in  
19 accordance with standards that it shall adopt and uniformly  
20 apply for purposes of this Section. No vocational or technical  
21 education course may be substituted for a required course or  
22 graduation requirement under any policy adopted by a school  
23 board as authorized in this Section unless the pupil's parent  
24 or guardian first requests the substitution and approves it in  
25 writing on forms that the school district makes available for

1 purposes of this Section.

2 (Source: P.A. 88-269.)

3 (105 ILCS 5/27-5 rep.)

4 (105 ILCS 5/27-6 rep.)

5 (105 ILCS 5/27-7 rep.)

6 Section 10. The School Code is amended by repealing  
7 Sections 27-5, 27-6, and 27-7.

8 Section 99. Effective date. This Act takes effect July 1,  
9 2013.